

Exhibit No. 3
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Bill No. SB129

SB0219 FACT SHEET

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- 1) Deferred sentences are used in cases from serious felonies to minor traffic offenses. Judges in city courts and justice courts report common use of deferred sentences for traffic offenses like speeding.
- 2) For a typical deferred sentence the judge will order the person to comply with certain conditions for a limited period of time. The conditions may include: (a) paying a fine; (b) obeying the law; (c) taking a class; or (d) doing community service.
- 3) A deferred sentence is like a contract. It provides incentives for a person to satisfy the conditions in exchange for the potential dismissal of a charge. If a person satisfies the conditions, the charge can be dismissed. And when dismissal occurs the conviction comes off the person's record.
- 4) Under current law the defendant (or the defendant's attorney) can request dismissal of a charge when the deferral period is up. Or the Court can dismiss the charge on its own. Many judges train their clerks to enter a dismissal of the charge right away when the deferral period is up and the conditions have been met.
- 5) If SB 219 passes judges will hesitate to use deferred sentences as they do now. The bill requires automatic dismissal of the charge when the deferral period is up, unless the prosecutor has filed a request to revoke the deferred sentence. Typically, prosecutors only handle a case when a person pleads 'not guilty'. Prosecutors are not aware most times when a person comes into court and simply pleads guilty to a minor offense and receives a deferred sentence.

Why are judges in city courts and justice courts concerned about SB 219?

- SB 219 will require dismissal when the deferral period is up, even if the person has not paid the fine or satisfied the other conditions. Judges prefer the flexibility built into the current law. It allows us to wait to dismiss the charge until the person has satisfied the conditions. Sometimes people need more time to pay a fine, take a course, or complete community service. But eventually they can be awarded with dismissal of the charge, even after the deferral period has run.
- Experience tells us that prosecutors will not be able to file revocation petitions in every case (or even most cases) when people fail to satisfy the conditions within the deferral period. They have no paperwork in many of these cases and are not aware of them.
- Changing the law will reverse the current incentives. People will soon figure out (and word travels fast) that if they don't pay the fine or satisfy the other conditions, their obligations will simply go away when the deferral period is up and the case is dismissed under SB 219. Even if they have made no effort to comply.